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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,659	12/01/2004	Hermann Baumann	P/4674-2	8761

7590  
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12/21/2006

EXAMINER
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TRIEU, THAI BA

ART UNIT	PAPER NUMBER
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3748

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/516,659

Applicant(s)

BAUMANN, HERMANN

Examiner

Thai-Ba Trieu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/01/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The Preliminary Amendment filed on December 01, 2004 is acknowledged. Claims 1-10 were cancelled; and claims 11-20 were newly added.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

The listing of references in the specification (DE 195 24 566 C1 on page 4 of the Preliminary Amendment filed on December 01, 2004) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "**wastegate**" (See Claim 16); and "**wastegates**" (see Claim 20) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 19 is objected to because of the following informalities:

- In claim 19, line 1, "***according to claim 4***" should be replaced by – ***according to claim 14 --***, since claim 4 has been cancelled.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claims 11-15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramsden (Patent Number EP 0 710 770 A1/ US 5,692,378).***

Ramsden discloses an internal combustion engine with a first and a second exhaust gas turbocharger (3, 4; 5, 6) for charging the internal combustion engine, each of the exhaust gas turbochargers comprises a compressor wheel and a turbine wheel, which rotate around a common charger axis (Not Numbered), a first exhaust gas feed line arranged to lead to the first exhaust gas turbocharger, a second exhaust gas feed line arranged to lead to the second exhaust gas turbocharger, the two exhaust gas turbochargers (3, 4; 5, 6) having parallel air flows, a carrier housing (9) arranged to hold the two exhaust gas turbochargers, a manifold arranged to collect exhaust gas streams downstream of the two exhaust gas turbochargers (3, 4; 5, 6), and a common exhaust gas discharge line (10) connected to the turbochargers (3, 4; 5, 6), the two exhaust gas turbochargers (3, 4; 5, 6) being arranged so that the two charger axes are at an angle to each other in a range of 55-100° and lie in a common plane (E) (See Figures 1, 3, and 4);

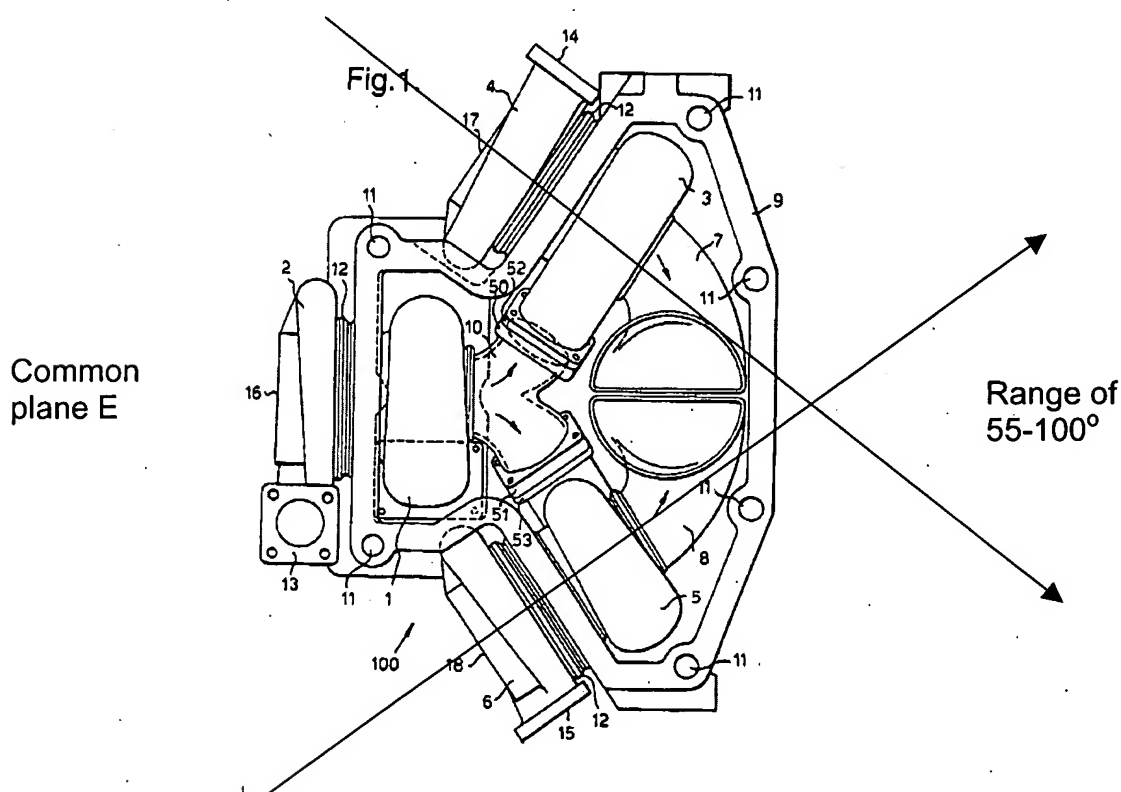
wherein the plane is parallel to a top of the internal combustion engine  
(See Figure 4);

wherein the exhaust gas discharge line is arranged to lie in the plane  
(See Figure 4);

wherein the engine includes a cylinder heads and further comprises air  
feed lines (24a, 24b) located above the cylinder heads for supplying  
uncompressed air to the two exhaust gas turbochargers (3, 4; 5, 6);

filters (not shown) installed in an upstream direction of the air feed lines (24a,  
24b) on an unpressurized side of the turbine wheel; and  
a third exhaust gas turbocharger (1, 2) installed in the carrier housing (9) ;

wherein the third charger (1, 2) is arranged so as to have a charger axis  
that lies in the plane (E) and within the angular range.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsden (Patent Number EP 0 710 770 A1/ US 5,692,378), in view of Tashima et al. (Patent Number 5,005,359).***

Ramsden discloses the invention as recited above; however, Ramsden fails to disclose a wastegate.

Tashima teaches that it is conventional in the turbocharged internal combustion engine art, to utilize a wastegate (25, 117) being installed in the manifold (See Figures 2 and 6).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized a wastegate, as taught by Tashima, to improve the efficiency of the Ramsden system, since the use thereof would have been released the exhaust gas through the bypass.

***Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsden (Patent Number EP 0 710 770 A1/ US 5,692,378), in view of Browne et al. (Patent Number 2,359,615).***

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Ramsden discloses the invention as recited above; however, Ramsden fails to disclose two wastegates.

Browne teaches that it is conventional in the turbocharged internal combustion engine art, to utilize two wastegates (20, 21) being installed in the manifold (See Figure 1).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized two wastegates, as taught by Browne, to improve the efficiency of the Ramsden system, since the use thereof would have been released the exhaust gas through the bypass.

#### ***Allowable Subject Matter***

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The IDS (PTO-1449) filed on December 01, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Zimmer et al. (US Patent Number 6,766,645 B2) disclose a configuration of at least two exhaust gas turbochargers.



- Mader et al. (US Patent Number 6,715,589 B2) disclose a turbo-on-demand engine with cylinder deactivation.
- Yoshioka et al. (US Patent Number 5,186,005) disclose an internal combustion engine with a dual turbochargers system.
- Phistergaard Anders (Patent Number FR 1 478 761 A) discloses an internal combustion engine having three turbochargers.
- Hans Sudmanns (Patent Number GB 2 302 914 A) discloses a mounting exhaust driven turbochargers on a support housing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB  
December 6, 2006

A handwritten signature in black ink, appearing to read 'Thai-Ba Trieu', with a long horizontal flourish extending to the right.

Thai-Ba Trieu  
Primary Examiner  
Art Unit 3748